

Construction stormwater: Owner vs. operator

Who is considered a permittee under the NPDES/SDS Construction Stormwater General Permit?

Owners and operators of construction activities are required to apply for coverage under the Minnesota National Pollutant Discharge Elimination System/State Disposal System (NPDES/SDS) construction stormwater general permit. The permit application must list the owner and operator as permittees. The operator is commonly referred to as the “contractor”, and those terms are used interchangeably on the permit application. Owners and contractors should have a clear understanding of who will be responsible for the permit requirements before construction begins.

Definitions

Owner – One of the following:

- The entity that holds the title to the land on which the construction activities will occur.
- The lease, easement, or mineral rights license holder.
- The contracting government agency responsible for the construction activity.

Operator – The entity (usually the general contractor) that the owner designates to have day-to-day operational control and/or the ability to modify project plans and specifications related to the Stormwater Pollution Prevention Plan (SWPPP). Subcontractors hired by, and under supervision of the general contractor, are not operators.

For full definitions, please see the [permit](#).

Examples

Commonly, an owner hires a general contractor to manage a construction project. The general contractor may hire an excavation or grading subcontractor to perform earthwork and implement the sediment and erosion control requirements of the permit. If a subcontractor is hired by, and works under the supervision of the general contractor, the subcontractor is not considered an operator and cannot be listed as a permittee.

If the owner manages construction and directly oversees various contractors, the owner may also be an operator. However, if the owner hires a contractor to perform construction activity and gives the contractor day-to-day operational control and/or the ability to modify project plans and specifications related to the SWPPP, the contractor must be listed on the permit application.



More information

For more information visit www.pca.state.mn.us/water/construction-stormwater. For technical assistance, contact the construction stormwater inspector for your region.